

CCH.4 > Date: 24.11.2025

Spl.CC 801/2024

Case called out.
Accused No.1 to 7 present.

Ld. Sr. Public Prosecutor and Ld.
counsels for the accused present.

It is submitted that, there is stay of the proceedings by the Hon'ble High Court of Karnataka in respect of accused No.1 and 5 and the matter has not been re-listed before the Hon'ble High Court of Karnataka.

Ld. counsel for the accused No.4 filed application U/Sec.10(5) of Passport Act seeking an order for renewal of passport pertaining to accused No.4.

Ld. Sr. Public Prosecutor submit his oral objection to the above said application.

Heard both side on the application.
For orders, call later.

**ORDERS ON THE APPLICATION UNDER SECTION 10(5)
OF PASSPORT ACT.**

The applicant-Sri.C.Venkatesheara Rao who is accused No.4 in the case on hand has filed this instant application U/Sec.10(5) of Passport Act seeking a direction to passport authority for renewal of his passport

for another 10 years i.e, till the year 2036, in the interest of justice.

2. It is stated in the application that, the present application on 28.10.2022 CBI/ACB, Bengaluru registered an FIR in No.RC0372022A0015 against the applicant herein and other accused for the offences Punishable U/Sec.120B IPC and U/Sec 7, 8 and 12 of PC Act. After having conducted the investigation, the I.O has submitted charge sheet against the applicant herein and other accused for the offences punishable U/Sec.120B r/w 420, 468 and 471 of IPC and U/Sec.7, 8 and 12 of PC Act. Further, it is submitted that, this court has granted bail to applicant/accused No.4 vide order dated 20.06.2024 subject to conditions and one of the conditions is that, accused No.4 shall not leave India without prior permission of this court till disposal of this case. It is further stated in the application that, the passport of accused No.4 is going to expire on 20.02.2026. Since, passport will expired shortly, the applicant/accused No.4 submitted an application for renewal of his passport before the Passport Authority; however, the passport Authority refused to renewal of passport of accused No.4 citing the reason that case is still pending against him before this court. Hence, it is requested to pass an order with regard to renewal of passport by issuing no objection certificate in favour of accused No.4.

3. The learned Senior Public Prosecutor orally submitted his objections to the application seeking for an

order for renewal of passport. In his oral objections, the Ld. Senior Public Prosecutor submitted that, it is not proper to order for renewal of passport for another 10 years as claimed by the applicant/accused No.4. Accordingly, it is prayed to pass necessary orders on the application filed by the applicant/accused No.4.

4. After having heard both side, the only point that would arise for my consideration is ;

Whether the applicant/ accused
No.4 has made out sufficient grounds
to allow his application filed
U/Sec.10(5) of Passport Act ?

5. The answer for the above point is **in Affirmative.**

6. Admittedly, the CBI/ACB, Bengaluru, has registered a case against the accused persons including the applicant herein in RC0372022A0015 and after investigation submitted charge sheet and based on the said charge sheet, this court has taken cognizance for the offences punishable under Section 120-B R/w. Sec.420, 468 and 471 of the IPC and under Section 7, 8 and 12 of PC Act, against applicant herein and other accused.

7. The applicant/accused No.4 has submitted that his passport is going to expire on 20.02.2026 and he needs to renew it; however, the passport authority are refusing for renewal citing the reason that a criminal case

is pending against him before this court. Since the passport is required to be renewed in time, therefore, for said purpose the applicant/ accused No.4 has come before this court for a direction in that regard.

8. It is to be noted that, pending case is not a bar to renew the passport. Merely because, a criminal case is registered against a person, his right to hold the passport cannot be denied. In this regard, the Hon'ble Apex Court in the case of **Suresh Nanda Vs. CBI**, held that, despite of criminal case filed against the petitioner therein, he was entitled to hold the passport since the passport had not been impounded in accordance with law. Hence, merely because a criminal case is pending against the petitioner, he cannot be disqualified from holding a passport, when admittedly his passport has not been impounded under Section 10(3) of the Passport Act.

9. In the present case on hand, the passport of the applicant/ accused No.4 is not impounded. Further, no such grounds are being made out on behalf of the prosecution so as to prevent the applicant/ accused No.4 from getting the passport renewed. Even, the applicant/ accused No.4 has undertaken to abide by any conditions that may be imposed by this court for granting no objection certificate for renewal of the passport. The apprehension of the prosecution can be met with by imposing suitable conditions.

10. Thus, considering all these facts and circumstances of the case, this court is of the considered view that the applicant/accused No.4 has made out the grounds for allowing the application. Accordingly, I proceed to pass the following:

ORDER

The application filed by applicant/accused No.4 U/Sec.10(5) of Passport Act seeking direction/No Objection to renew his passport is hereby allowed, subject to condition that, the applicant/ accused No.4 shall not leave India without prior permission of this court.

The office is directed to intimate the concerned Passport Authority that this court has No Objection for renewing the passport of applicant/ accused No.4 Sri.C. Venkateshwara Rao and the Passport Authority is to consider the application of the accused No.4 for renewal of his passport strictly in accordance with law.

[MANJUNATH SANGRESHI],
XXI Addl. City Civil & Sessions Judge,
& Prl. Spl. Judge for CBI Cases
(CCH-4), Bengaluru City.

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Again case called.

Await further orders from Hon'ble High
Court of Karnataka, by 19.12.2025.

(MANJUNATH SANGRESHI)
XXI ACC & SJ and Prl. Spl. Judge
for CBI Cases(CCH-4), Bengaluru City.